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April 30, 2013

BY FAX & ECF: (973) 645-3097

Magistrate Judge Mark Falk
USPO & Courthouse
1 Federal Sq., Room 457
Newark, New Jersey 07101

Re: Gaines v. Fusari, et al.; 11-cv-4433 (WJM/MF)

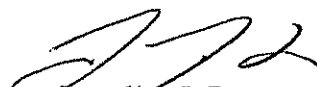
Dear Judge Falk:

We are counsel for plaintiff Calvin Gaines in the above action. We write in response to Defendant's letter dated April 25, 2013.

Defendants seek to depose Brianna and Sabrina Gaines, the wife and daughter of Plaintiff. Plaintiff has duly objected to these depositions. Brianna and Sabrina have no knowledge of Calvin and Robert's creative collaborations or any other issues relevant to this action. Indeed, it appears that Defendants seek these depositions purely to harass Plaintiff, as reflected in the attached texts sent to our client. Accordingly, we welcome a telephonic conference regarding the necessity of these two depositions.

In the meantime, the parties have now confirmed May 22 and May 23 for the depositions of Calvin Gaines and Robert Fusari, and have agreed to schedule the depositions of Brianna and Sabrina in the event the Court orders them to proceed. In addition, pending the ruling on third-party defendant Ms. Germanotta's motion for summary judgment, her deposition will also need to be taken. Accordingly, Plaintiff respectfully requests that fact discovery be extended to May 31, 2013 to permit the depositions of plaintiff and defendants and any third party fact witnesses, with Ms. Germanotta's deposition to be scheduled upon the resolution of her motion.

Respectfully Submitted,



Jonathan J. Ross

cc: all counsel of record via ECF

Brian Caplan

From: Brian Caplan
Sent: Thursday, December 08, 2011 1:41 PM
To: 'Skolnik, Peter L.'
Cc: 'George Stein'
Subject: Text Messages From Fusari to Gaines

Dear Peter,

Below please find copies of text messages sent from your client to our client. A number of them are vexatious and harassing. Yesterday's texting is particularly alarming and offensive. Please instruct your client to discontinue having any communications with our client.

This letter is sent without prejudice to any of our client's rights or remedies, all of which are expressly reserved.

[Jun 15, 2011 10:05 PM] Rob Fusari: The Ny post calling me about your law suit. Hope your ready for the world to know that u just someone who sues people . I can pretty certainly say you'll

[Jun 15, 2011 10:05 PM] Rob Fusari: never be able to work again. Take it from me nobody wants to deal with litigious people. But good luck Calvin

[Jul 7, 2011 6:49 AM] Rob Fusari: 0001/0002 Cavin , I think your attorney misunderstood what my guy was recently saying in regard to our litigation. It's more that during

[Jul 7, 2011 6:49 AM] Rob Fusari: 0002/0002 deposition process when br

[Jul 7, 2011 6:50 AM] Rob Fusari: 0001/0002 iana , alla, gordie and Sabrina are each brought in... certain past issues will need to be addressed with them to clarify our

[Jul 7, 2011 6:50 AM] Rob Fusari: 0002/0002 history. Hopefully that cle

[Jul 7, 2011 6:50 AM] Rob Fusari: ars things up.

[Sep 23, 2011 2:27 AM] Rob Fusari: Calvin. Your attorney is not being truthful on your claim. He states you were a co producer on no no no. Come on bro... That's not like you.

[Sep 23, 2011 2:27 AM] Rob Fusari: If you wanna sit with me. We can work this out without it being a huge fuck fest for everyone...

[Sep 23, 2011 2:29 AM] Rob Fusari: And you know I'm gonna call Vince and gaga as witnesses. Vince is gonna say who produced no no no. And gaga is gonna say how me and her wrote the tunes.

[Sep 23, 2011 2:30 AM] Rob Fusari: What are you doing dude...it's wrong!!!

[Sep 23, 2011 2:34 AM] Rob Fusari: Calvin for some reason you don't see the difference of the fact that when some writes a song over s track that you played bass on with me you are given w

[Sep 23, 2011 2:34 AM] Rob Fusari: riting credit.

[Sep 23, 2011 2:34 AM] Rob Fusari: With gaga her and I wrote the songs first the. You came to play bass. This is something i will fight you on til the end of the earth my friend

[Oct 13, 2011 3:18 PM] Rob Fusari: Peter . I want all gaines kids put into depositions. They were all at my studio several times as well as spent countless hours in his studio

[Oct 13, 2011 3:18 PM] Rob Fusari: And I want them to know all he ever spoke about was his relationship with the african artist . He didn't want to work he just wanted to figure what he wa

[Oct 13, 2011 3:18 PM] Rob Fusari: s gonna do about the girl

[Oct 13, 2011 3:18 PM] Rob Fusari: And his porn addiction ...

[Oct 13, 2011 3:18 PM] Rob Fusari: And his porn addiction ...

[Dec 7, 2011 4:31 PM] Rob Fusari: Now you won't get a dime my nigger! I will spend every penny I have putting you through the hell of your life! Youve feedrd off everyone your whole life

[Dec 7, 2011 4:31 PM] Rob Fusari: and it ends now !!!!

[Dec 7, 2011 4:31 PM] Rob Fusari: And I have you on camera by my place in newark several times: I will call police of you are seen near there again

[Dec 7, 2011 4:31 PM] Rob Fusari: And you better check with your attorney when I win this . I am entitled to legal fees paid by you. So I hope you got or can find the money because it wil

[Dec 7, 2011 4:31 PM] Rob Fusari: l be significant Sent on the SprintR Now Network from my BlackBerryR

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